STATE OF ALASKA

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

18 AAC 78

UNDERGROUND STORAGE TANKS

Version Filed with Lt Governor
Only Contains Sections that have changed
Effective date January 30, 2003

Article 1. Underground Storage Tanks.

Section

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65. Release detection methods **and monitoring** for tanks

70. Release detection methods **and monitoring** for piping

75. **(Repealed)** [RELEASE DETECTION MONITORING REQUIREMENTS]

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*** *[Publisher: all other section titles in the listing for Article 1 remain unchanged]*

18 AAC 78.005(d) is repealed:

(d) Repealed ___/___/2003.

18 AAC 78.005(e) is amended by adding a new paragraph to read:

(5) a tank used for storing heating oil for consumptive use on the premises where stored.

18 AAC 78.005(g) is amended to read:

(g) A UST that stores fuel solely for use by emergency power generators is exempt from the release detection requirements of **18 AAC 78.060 – 18 AAC 78.070** [18 AAC 78.060 – 18 AAC 78.075]. (Eff. 3/25/91, Register 118; am 8/21/91, Register 119; am 11/3/95, Register 136; am 1/22/99, Register 149; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.400 AS 46.03.420
AS 46.03.365 AS 46.03.405 Sec. 7, ch. 96, SLA 1990
AS 46.03.380

18 AAC 78.007 is amended to read:

18 AAC 78.007. UST Procedures Manual. The department's *Underground Storage Tanks Procedures Manual* (*UST Procedures Manual*), dated **November 7, 2002** [DECEMBER 1, 1999], is adopted by reference. The department will use this version of the *UST Procedures Manual* in making determinations under this chapter. (Eff 1/22/99, Register 149; am 6/25/99; Register 150; am 4/16/2000, Register 154; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365

18 AAC 78.015(a)(3) is amended to read:

(3) obtain a current [OPERATING] tag, decal, or notice for a UST under 18 AAC 78.017 before allowing a petroleum product to be placed in the UST;

18 AAC 78.015(a)(5)(A) and (B) are amended to read:

(A) tamper with or alter **a** [AN OPERATING] tag, decal, or notice associated with a UST;

(B) remove **a** [AN OPERATING] tag, decal, or notice associated with a UST until it expires or is replaced with a new tag, decal, or notice, unless the tank is permanently closed or the return of the tag, decal, or notice is required under 18 AAC 78.017.

(Eff. 3/25/91, Register 118; am 8/21/91, Register 119; am 11/3/95, Register 136; am 8/15/99, Register 151; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365 AS 46.03.375 AS 46.03.380 AS 46.03.385 AS 46.03.395 AS 46.03.400 AS 46.03.405 AS 46.03.410 AS 46.03.420

18 AAC 78.017(a) is repealed and readopted to read:

18 AAC 78.017. Operations inspection. (a) Except as provided in (b) and (c) of this section, the owner or operator of a UST system shall have each UST inspected at least every three years to determine compliance with the release detection, spill and overfill prevention, and corrosion protection requirements of this chapter. Each inspection must be performed by an inspector who is certified under 18 AAC 78.410 and must include, as applicable, examination, assessment, testing, and documentation of the following for the UST system inspected:

(1) equipment;

(2) procedures;

(3) operations;

(4) maintenance;

(5) recordkeeping.

18 AAC 78.017(f) is amended to read:

(f) The department will provide each new UST with a [STARTER] tag, decal, or notice within 30 days after receiving the registration. A tag will not be provided for a UST that is out of service.

18 AAC 78.017(i) is amended to read:

(i) **A** [AN OPERATING] tag, decal, or notice[, OTHER THAN A STARTER TAG, DECAL, OR NOTICE,] expires on October 31 of the third year after issuance.

18 AAC 78.017(j)is amended to read:

(j) Within 30 days after receiving a form under (h) of this section that indicates the UST system is in compliance with this chapter, the department will provide the owner or operator with **a** [AN OPERATING] tag, decal, or notice to be affixed as required by 18 AAC 78.015(a).

18 AAC 78.017(k)(3) is amended to read:

(3) no later than November 1 of the year the inspection is due, the owner or operator shall return the [OPERATING] tag, decal, or notice for the UST system to the department.

18 AAC 78.017(l) is amended to read:

(l) The owner or operator may not allow petroleum to be placed in a UST unless a valid [OPERATING] tag, decal, or notice for the UST is displayed as required by 18 AAC 78.015.

18 AAC 78.017(m) is amended to read:

(m) If **a** [AN OPERATING] tag, decal, or notice is lost, stolen, or destroyed, the owner or operator may obtain a replacement by providing the department with a sworn statement or affidavit that includes the facility number and tank number assigned by the department and an explanation of why a replacement is needed. (Eff. 8/15/99, Register 151; am 4/16/2000, Register 154; am ___/___/2003, Register ___)

Authority:	AS 46.03.020	AS 46.03.385	AS 46.03.405
	AS 46.03.365	AS 46.03.395	AS 46.03.410
	AS 46.03.375	AS 46.03.400	AS 46.03.420
	AS 46.03.380		

18 AAC 78.025(a) is amended to read:

18 AAC 78.025. Requirements for new UST systems. (a) To prevent or detect a release caused by structural failure, corrosion, a spill, or an overfill while the UST is used to store petroleum, the owner or operator of a new UST shall meet the requirements of this section in addition to the requirements of **18 AAC 78.040 – 18 AAC 78.070** [18 AAC 78.040 – 18 AAC 78.075].

18 AAC 78.025(f)(1), (2)(A) and (D), (3), (4)(A), (B), (D), and (F), (5)(A) and (B), and (6) are amended, a new paragraph is added to 18 AAC 78.025(f)(4), and 18 AAC 78.025(f)(2)(B) and (C), (4)(C) and (E), and (5)(C) and (D) are repealed to read:

(f) Unless the department, in its discretion, approves another procedure, code, or standard found by the department to be no less protective of human health and safety and the environment than the procedures, codes, and standards set out in this subsection, the owner and the operator of a UST shall ensure that the following procedures, codes, and standards, the provisions of which are adopted by reference**,** are used**:**

(1) to meet the requirements of (c) of this section:

(A) American Petroleum Institute Recommended Practice 1615, *Installation of Underground Petroleum Storage Systems,* **Fifth Edition, March 1996** [FOURTH EDITION, NOVEMBER 1987];

(B) Petroleum Equipment Institute Recommended Practice **PEI/RP 100-2000** [RP100-94], *Recommended Practices for Installation of Underground Liquid Storage Systems*, **2000** [1994];

(C) American Society of Mechanical Engineers Code for Pressure Piping, B31, an American National Standard, B31.3, ***Process Piping*, 1999 Edition, and B31.3a-**

2000, *Addenda*, and B31.3b-2001, *Addenda*, [*CHEMICAL PLANT AND PETROLEUM REFINERY PIPING*, 1993, AND B31.3B - 1994, ADDENDA THERETO];

(D) American Society of Mechanical Engineers Code for Pressure Piping, B31, an American National Standard, B31.4, ***Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids*, 1998 Edition and B31.4a-2001, *Addenda*** [*LIQUID TRANSPORTATION SYSTEMS FOR HYDROCARBONS, LIQUID PETROLEUM GAS, ANHYDROUS AMMONIA, AND ALCOHOLS*, 1992];

(E) National Fire Protection Association Standard 30, *Flammable and Combustible Liquids Code*, **2000 Edition** [1993 EDITION]; and

(F) National Fire Protection Association Standard 30A, ***Code for Motor Fuel Dispensing Facilities and Repair Garages*, 2000 Edition** [*AUTOMOBILE AND MARINE SERVICE STATION CODE*, 1993 EDITION];

(G) **International Code Council, International Fire Code** [INTERNATIONAL FIRE CODE INSTITUTE, UNIFORM FIRE CODE], **Chapter 34,** [ARTICLE 79], *Flammable and Combustible Liquids*, **2000** [1991]; and

(H) **International Code Council, International Fire Code** [INTERNATIONAL FIRE CODE INSTITUTE, UNIFORM FIRE CODE], **Chapter 27, *Hazardous Materials – General Provisions*, 2000** [ARTICLE 80, SECTION 301, *HAZARDOUS MATERIALS*, 1991];

(2) to meet the requirements of (e)(1) of this section for tanks constructed of fiberglass-reinforced plastic or another corrosion-resistant material:

(A) Underwriters Laboratories Standard 1316, *Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures*, Second Edition, 1994;

(B) repealed ___/___/2003;

(C) repealed ___/___/2003 ;

(D) Steel Tank Institute Specification **F894-01** [F894], ACT-100-*Specification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks*, **May 2001** [1995];

(3) to meet the requirements of (e)(2) of this section for composite tanks:

(A) Underwriters Laboratories Standard 1746, *External Corrosion Protection Systems for Steel Underground Storage Tanks*, Second Edition, 1993; and

(B) Steel Tank Institute Specification **F894-01** [F894], ACT-100-S*pecification for External Corrosion Protection of FRP Composite Steel Underground Storage Tanks*, **May 2001** [1995];

(4) to meet the requirements of (e)(3) of this section for steel tanks:

(A) Steel Tank Institute Specification[,] **STI-P3-01, *STI-P3®* *Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks*** *[STI-P3-SPECIFICATION AND MANUAL FOR EXTERNAL CORROSION PROTECTION OF UNDERGROUND STEEL STORAGE TANKS]*, **May 2001** [1995];

(B) Underwriters Laboratories Standard 1746, *External Corrosion Protection Systems for Steel Underground Storage Tanks*, Second Edition, 1993;

(C) repealed ___/___/2003;

(D) National Association of Corrosion Engineers Standard **RP0285-2002** [RP0285-95], *Standard Recommended Practice-Corrosion Control of Underground Storage Tank Systems by Cathodic Protection*, **2002** [1995];

(E) repealed ___/___/2003;

(F) Underwriters Laboratories Standard **UL 58** [58], *Steel Underground Tanks for Flammable and Combustible Liquids*, **Ninth Edition, 1996** [EIGHTH EDITION, 1986];

(G) Steel Tank Institute Specification R-972-01, *Recommended Practice for the Addition of Supplemental Anodes to STI-P$_3$® USTs*, 2001;

(5) to meet the requirements of (e)(1) of this section for piping constructed of fiberglass-reinforced plastic or another corrosion-resistant material:

(A) Underwriters Laboratories Standard 1316, *Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, Alcohols, and Alcohol-Gasoline Mixtures*, Second Edition, 1994;

(B) Underwriters Laboratories Standard **UL 567** [567], ***Pipe Connectors for Petroleum Products and LP-Gas*, Eighth Edition, 1996** [*PIPE CONNECTORS FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS AND LP-GAS*, SECOND EDITION, 1992];

(C) repealed ___/___/2003;

(D) repealed ___/___/2003; and

(6) to meet the requirements of (e)(3) of this section for metal piping:

(A) National Fire Protection Association Standard 30, *Flammable and Combustible Liquids Code*, **2000 Edition** [1993 EDITION];

(B) American Petroleum Institute Recommended Practice 1615, *Installation of Underground Petroleum Storage Systems*, **Fifth Edition, March 1996** [FOURTH EDITION, NOVEMBER 1987];

(C) Petroleum Equipment Institute Recommended Practice **PEI/RP 100-2000** [RP100-94], *Recommended Practices for Installation of Underground Liquid Storage Systems*, **2000** [1994];

(D) American Petroleum Institute Recommended Practice 1632, *Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems*, **Third Edition, May 1996** [SECOND EDITION, 1987];

(E) National Association of Corrosion Engineers Standard **RP0169-96** [RP0169-92], *Standard Recommended Practice-Control of External Corrosion on Underground or Submerged Metallic Piping Systems*, **reaffirmed September 1996;** [REVISED, APRIL, 1992]; and

(F) National Association of Corrosion Engineers Standard RP0190-95, *Standard Recommended Practice-External Protective Coatings for Joints, Fittings, and Valves on Metallic Underground or Submerged Pipelines and Piping Systems*, 1990, reaffirmed 1995.

(Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am 4/16/2000, Register 154; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365 AS 46.03.375

Editor's note: 1. The publications adopted by reference in 18 AAC 78.025 and other sections of this chapter may be reviewed at the department's offices in Anchorage, Fairbanks, Juneau, or Soldotna, or may be obtained directly from the appropriate publisher. The mailing address, telephone number, [AND] facsimile number**, and website, if available,** for each publisher are as follows:

American Petroleum Institute (API), Publications Department, 1220 L St. N.W., Washington, D.C. 20005; phone: (202) 682-8375; Fax: (202) 962-4776; **URL: http://api-ep.api.org/publications;**

American Society of Mechanical Engineers (ASME), 22 Law Drive, P.O. Box 2300, Fairfield, New Jersey 07007-2300; phone: (800) 843-2763; Fax: (201) 882-1717; **URL: http://www.asme.org/;**

American Society for Testing and Materials (ASTM), Publications Department, 1916 Race St., Philadelphia, Pennsylvania 19103; phone: (215) 299-5585; Fax: (215) 977-9679; **URL: http://www.astm.org/;**

International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041; phone: (703) 931-4533; Fax: (703) 379-1546; URL: http://www.intlcode.org/;

International Conference of Building Code Officials, Ordering Department, 5360 Workman Mill Road, Whittier, California 90601; phone: (310) 692-4226; Fax: (310) 692-3853; URL: http://www.icbo.org/;

[INTERNATIONAL FIRE CODE INSTITUTE, ORDERING DEPARTMENT, 5360 WORKMAN MILL ROAD, WHITTIER, CALIFORNIA 90601; PHONE: (310) 692-4226; FAX: (310) 692-3853;]

National Association of Corrosion Engineers (NACE), Publications Department, P.O. Box 218340, Houston, Texas 77218-8340; phone: (281) 228-6200; fax: (281) 228-6300; **URL: http://www.nace.org/;**

National Fire Protection Association, Inc. (NFPA), Publications Department, Batterymarch Park, P.O. Box 9146, Quincy, Massachusetts 02269; phone: (800) 344-3555; Fax: (617) 984-7057; **URL: http://www.nfpa.org/;**

National Leak Prevention Association (NLPA), P.O. Box 1643, Boise, Idaho 83701; phone: (208) 336-6941; Fax: (208) 336-0344;

Petroleum Equipment Institute (PEI), Publications Department, P.O. Box 2380, Tulsa, Oklahoma 74101; phone: (918) 494-9696; Fax: (918) 491-9895; **URL: http://www.pei.org/;**

Steel Tank Institute (STI), 570 Oakwood Road, Lake Zurich, Illinois 60062; phone: (708) 438-8265, extension 4331; Fax: (708) 438-8766; **URL: http://www.steeltank.com/;**

Underwriters Laboratories, Inc. (UL), Standards Department, 333 Pfingsten Road, Northbrook, Illinois 60062; phone: (708) 272-8800; Fax: (708) 272-8129; **URL: http://www.ul.com/;**

Underwriters Laboratories of Canada (ULC), Standards Department, 7 Crouse Road, Scarborough, Ontario M1R 3A9; phone: (416) 757-3611; Fax: (416) 757-8915; **URL: http://www.ulc.ca/;**

2. In addition to the organizations listed in Note 1, above, other sources of nationally-recognized codes of practice include:

American National Standards Institute (ANSI), Sales Department, 11 West 42nd Street, New York, New York 10036; phone: (212) 354-3300; Fax: (212) 302-1286; **URL: http://www.ansi.org/;**

Fiberglass Petroleum Tank & Pipe Institute, 9801 Westheimer, Suite 606, Houston, Texas 77042; phone: (713) 465-3310; Fax: (713) 465-6544; **URL: http://www.fiberglasstankandpipe.com/;**

United States Department of Labor, Occupational Safety and Health Administration (OSHA), Publication Office, Francis Perkins Building, 200 Constitution Avenue, NW, Room N-3101, Washington, D.C. 20210; phone: (202) 219-8148; Fax: (202) 219-9266**; URL: http://www.osha.gov/**.

3. A UST installed in an area that has been given a special designation for drinking water protection by a local government may be subject to additional requirements imposed by the local government.

18 AAC 78.030(a)(3) is amended to read:

(3) applicable requirements of **18 AAC 78.060 – 18 AAC 78.070** [18 AAC 78.060 - 18 AAC 78.075].

18 AAC 78.030(d) is amended by adding a new paragraph (4) to read:

(4) a STI-P_3® steel tank may be upgraded to cathodic protection if the

(A) tank can be verified by the Steel Tank Institute to have been constructed in accordance with Steel Tank Institute Specification STI-P3-01, *STI-P_3® Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks*, adopted by reference in 18 AAC 78.025(f);

(B) upgrade is performed by a person certified under this chapter in UST installation; and

(C) upgrade is done in accordance with the Steel Tank Institute Specification R-972-01, *Recommended Practice for the Addition of Supplemental Anodes to STI-P_3® USTs,* adopted by reference in 18 AAC 78.025(f).

(Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am 1/22/99, Register 149; am 6/25/99, Register 150; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365 AS 46.03.375

The lead-in to 18 AAC 78.040(a) is amended to read:

18 AAC 78.040. Spill and overfill control. (a) To prevent spilling and overfilling associated with transfer of petroleum to a UST, the owner or operator of a **UST system** [NEW TANK AND, AFTER DECEMBER 22, 1998, THE OWNER OR OPERATOR OF AN EXISTING TANK] shall**, subject to (e) of this section,** use the following spill and overfill prevention equipment:

* * * * *

18 AAC 78.040(b)(4) is amended to read:

(4) the distributor is provided with the **current UST tag, decal, or notice** [UST REGISTRATION NUMBER] before the transfer is made; and

18 AAC 78.040 is amended by adding new subsections to read:

(e) If a UST system has one or more of the following, the owner or operator of the system shall not use a ball float valve or a vent restrictor shut-off device on that system:

(1) a tank that receives a pumped delivery;

(2) suction piping with air eliminators;

(3) remote fill pipes and gauge openings;

(4) an emergency generator or an oil heating tank.

(f) To satisfy the recordkeeping requirements of 18 AAC 78.100(f), the owner or operator may maintain a log to show compliance with the requirements of this section for each transfer operation. The owner or operator may use a log form provided by the department or an equivalent form. The department's log form calls for the following information:

(1) the facility name and ID number;

(2) the product type, distributor name, and transfer personnel;

(3) the date and time of the transfer;

(4) the tank number, tank contents, and tank size;

(5) amount of fuel in tank before delivery;

(6) amount of ullage before delivery;

(7) amount delivered; and

(8) information relating to any spill or overfill that may have occurred during the transfer.

(g) In this section, "ullage" means the volume of the space between the product level in a tank and the top of the tank, expressed in gallons. (Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am 1/22/99, Register 149; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.380 AS 46.03.405
AS 46.03.365

18 AAC 78.045(b) is amended to read:

(b) A corrosion protection system must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contains petroleum and that is in contact with the ground. **This requirement applies to single and double wall steel tanks and piping.**

The lead-in to 18 AAC 78.045(c) and (c)(2) are amended to read:

(c) A UST with a cathodic protection system must be inspected for proper operation by a cathodic protection tester **or corrosion expert**. [AN INSPECTION UNDER THIS SUB-SECTION MUST BE CONDUCTED BY A PERSON CERTIFIED UNDER THIS CHAPTER.] An inspection under this subsection must be conducted as follows:

* * * * *

(2) the criteria used to determine if cathodic protection is adequate under this section must be in accordance with the National Association of Corrosion Engineers Standard **RP0285-2002** [RP0285-95], *Standard Recommended Practice-Corrosion Control of Underground Storage Tank Systems by Cathodic Protection,* **2002** [1995], adopted by reference in 18 AAC 78.025(f).

18 AAC 78.045(e) is amended to read:

(e) A UST with an impressed current cathodic protection system must be inspected every 60 days to ensure that the equipment is running properly. **The owner or operator shall document the findings of each inspection. The owner or operator may use a form provided by the department or an equivalent form to document those findings. If the inspection of the impressed current cathodic protection system indicates a redline of zero, the owner or operator shall notify the department and take corrective action to investigate and, if necessary, to correct the problem.**

(Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365 AS 46.03.375

18 AAC 78.050(a)(1) and (2) are amended to read:

(1) the American Petroleum Institute Recommended Practice 1626, *Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations*, April 1985, **reaffirmed June 2000,** the provisions of which are adopted by reference; or

(2) the American Petroleum Institute Recommended Practice 1627, *Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service*

Stations, August 1986, **reaffirmed October 1993,** the provisions of which are adopted by reference.

(Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365

18 AAC 78.055(c)(1) - (3) are amended to read:

(1) National Fire Protection Association Standard 30, *Flammable and Combustible Liquids Code*, **2000 Edition** [1993 EDITION];

(2) American Petroleum Institute Recommended Practice 2200, *Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines*, Third Edition, May 1994**, reaffirmed May 1999**;

(3) American Petroleum Institute **Standard 1631** [RECOMMENDED PRACTICE 1631], ***Interior Lining and Periodic Inspection of Underground Storage Tanks*** [*INTERIOR LINING OF UNDERGROUND STORAGE TANKS*], **Fifth Edition, June 2001** [THIRD EDITION, APRIL 1992]; and

* * * * *

(Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365 AS 46.03.375

18 AAC 78.060(a)(4) is amended to read:

(4) is capable of detecting a leak as specified at 18 AAC 78.065(c), (d), [OR] (e)**, (i), or (j)** or 18 AAC 78.070(b)**,** [OR] (c), **or (d)** with a probability of detection of 95 percent and a probability of false alarm of five percent, if the method is used after December 22, 1990; this paragraph does not apply to a method permanently installed before December 22, 1990.

(Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365 AS 46.03.395

18 AAC 78.065(a) and (d) are amended to read:

18 AAC 78.065. Release detection methods <u>and monitoring</u> for tanks. (a) Each method of release detection for tanks that is used to meet the requirements of 18 AAC 78.060 and **<u>18 AAC 78.070</u>** [18 AAC 78.075] must meet the requirements of this section. **<u>Using one method or a combination of the methods listed in this section, an owner or operator shall monitor each tank for releases at least once every 30 days.</u>**

* * * * *

(d) **Tank tightness testing.** Tank tightness testing, or another test of equal performance, must be capable of detecting a 0.1 gallon per hour leak rate from any part of a tank, including the associated piping, that routinely contains petroleum, while accounting for the effects of thermal expansion or contraction of the petroleum, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table. To satisfy the requirements of this subsection, the owner or operator may use only tank tightness tests that have been developed and reviewed by a nationally-recognized association or third-party testing laboratory and that meet or exceed the criteria for the detection of leaks set out in the United States Environmental Protection Agency's manuals *Standard Test Procedures for Evaluating Leak Detection Methods: Volumetric Tank Tightness Testing Methods*, March 1990 **<u>(EPA/530/UST-90/004)</u>** [(EPA/530/UST-90.0004)], and *Standard Test Procedures for Evaluating Leak Detection Methods: Nonvolumetric Tank Tightness Testing Methods*, March 1990 (EPA/530/UST-90/005), the provisions of which are adopted by reference. The tests required by this subsection must be performed by a person certified under this chapter. The owner or operator shall submit to the

department a certified copy of the evaluation results indicating that the criteria have been met or exceeded and a copy of the manufacturer's test protocol. **An owner or operator may use tank tightness testing only if the UST meets the performance standards set out in 18 AAC 78.025 or 18 AAC 78.030 and the owner or operator complies with the monthly inventory control requirements set out in (b) of this section or the manual tank gauging requirements set out in (c) of this section. If tank tightness testing is used, the test must be conducted every five years for ten years after the tank is installed or upgraded, whichever is later.** The department **may** [WILL, IN ITS DISCRETION,] disapprove a tank tightness test or testing system under this subsection if the

(1) test or testing system fails to disclose leaks that fall within the boundaries of the criteria **stated in this subsection**; or

(2) **tester** [OPERATOR] is not certified by the manufacturer of the test or testing system.

18 AAC 78.065(e) is repealed and readopted to read:

(e) **Automatic tank gauging.** Equipment for automatic tank gauging that tests for the loss of petroleum or that conducts inventory control must be capable of detecting

(1) a 0.2 gallon per hour leak rate from any part of the tank that routinely contains petroleum; and

(2) a release of 150 gallons within a 30-day period, with a probability of detection of 95 percent and a probability of false alarm of five percent.

18 AAC 78.065(h) and (j) are amended to read:

(h) **Interstitial monitoring.** Interstitial monitoring between the UST **or pipe** and a secondary barrier immediately around or beneath **the UST or pipe** [IT] may be used only if the system

(1) is designed, constructed, and installed to detect a leak from any part of a tank **or pipe** that routinely contains petroleum; and

(2) meets one of the following requirements:

(A) for a double-walled UST, **including piping,** the sampling or testing method is capable of detecting a release through the inner wall in any part of a tank **or pipe** that routinely contains petroleum;

* * * * **[Publisher: rest of (h) is unchanged]*

(j) **Other methods**. **Any other type of release detection method, or combination of such other methods, may be used with prior approval, if the method or combination of methods can, for volumetric release detection methods, detect a 0.2 gallon per hour leak rate or a release of 150 gallons in a 30-day period with a probability of detection of 95 percent and a probability of a false alarm of five percent. For non-volumetric release detection methods, the** [THE] department **may** [WILL, IN ITS DISCRETION,] approve another method of release detection **not described in (d) –(i) of this section,** if the owner or operator shows that the method can detect a release as effectively as any of the methods allowed in (d) - (i) of this section. In comparing methods, the department will consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner or operator shall comply with any conditions imposed by the department on its use to ensure the protection of human health and safety and the environment.

18 AAC 78.065 is amended by adding a new subsection to read:

(k) **Certification of performance standards.** The National Work Group on Leak Detection Evaluations' *List of Leak Detection Evaluations for Underground Storage Tank (UST) Systems,* Ninth Edition, November 21, 2001, shall be used to determine compliance with the applicable performance standards for automatic tank gauging, statistical inventory reconciliation, tightness testing, electronic interstitial monitoring, and automatic line leak detectors. The *List of Leak Detection Evaluations for Underground Storage Tank (UST) Systems,* Ninth Edition, November 21, 2001, is adopted by reference. (Eff. 3/25/91, Register 118; am 8/21/91, Register 119; am 11/3/95, Register 136; am 6/25/99, Register 150; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365 AS 46.03.375

Editor's note: 1. Practices described in the American Petroleum Institute Recommended Practice 1621, *Bulk Liquid Stock Control at Retail Outlets*, Fifth Edition, May 1993, may be used, if applicable, as guidance in meeting the requirements of (b)(6) of this section.

2. The provisions outlined in the Steel Tank Institute's *Standard for Dual Wall Underground Steel Storage Tanks*, **F841-01, revised June 1, 2001** [F841-91, REVISED FEBRUARY 15, 1991], may be used as guidance for aspects of the design and construction of underground steel double-walled tanks as described in (h)(2)(A) of this section.

3. The information described in the United States Environmental Protection Agency's document *Detecting Leaks, Successful Methods Step-by-Step*, Chapter 4, November 1989 (EPA/530/UST-89/012), may be used as guidance for tank tightness testing.

4. **The National Work Group on Leak Detection Evaluation's *List of Leak Detection Evaluations for Underground Storage Tank (UST) Systems*, Ninth Edition, November 21, 2001, may be reviewed at the Department of Environmental Conservation's offices in**

Anchorage, Fairbanks, Juneau, and Soldotna or may be obtained on the Internet at http://www.nwglde.org**.**

5. The tank tightness testing documents referred to in Notes 1 and 2 are on file in the Office of the Lieutenant Governor and may be reviewed at the Department of Environmental Conservation's offices in Anchorage, Fairbanks, Juneau, and Soldotna or may be obtained from the publisher at the address listed in the editor's note at 18 AAC 78.025.

6. [5.] The United States Environmental Protection Agency tank tightness testing documents referred to in Note 3 and in 18 AAC 78.065(d) are on file in the Office of the Lieutenant Governor and may be reviewed at the Department of Environmental Conservation's offices in Anchorage, Fairbanks, Juneau, and Soldotna, or may be obtained from:

United States Environmental Protection Agency (EPA), Office of Underground Storage Tanks, 401 M St., SW, Mail Code 54-02W, Washington, D.C. 20460; phone: (703) 308-8850; Fax: (703) 308-8505; **URL: http://www.epa.gov/;**

United States Government Bookstore, Room 194 Federal Building, 915 Second Avenue, Seattle, Washington 98174; phone: (206) 553-4270; Fax: (206) 553-6717**; URL: http://bookstore.gpo.gov/**.

18 AAC 78.070 is repealed and readopted to read:

18 AAC 78.070. Release detection methods and monitoring for piping. (a) Each method of release detection for piping used to meet the requirements of 18 AAC 78.060 and 18 AAC 78.065 must be conducted as required by this section Pressurized piping must meet the applicable requirements set out either in (b) and (c) of this section or in (b) and (d) of this section. Suction piping must meet the applicable requirements set out in (c) of this section and, if applicable, (d) of this section.

(b) **Automatic line leak detection.** An automatic leak detection method that alerts the operator to the presence of a leak by restricting or shutting off the flow of petroleum through piping or by triggering an audible or visual alarm may be used only if that method is capable of detecting a leak of three gallons per hour at 10 pounds per square inch line pressure within one hour. An annual test of the operation of the leak detector must be conducted in accordance with the manufacturer's requirements. A stand-alone sump sensor is not sufficient to meet this requirement.

(c) **Line tightness testing.** A tightness test of piping may be conducted only if the tightness test is capable of detecting a 0.1 gallon per hour leak rate at one and one-half times the line's normal operating pressure. The test must be performed by a person certified under this chapter. Where a line leak detector is installed on the piping that has the same leak detection capability as the tightness test specified in 18 AAC 78.065(d), the tightness test may be omitted. Except as otherwise permitted under (d) of this section, if pressurized piping is used, the line tightness test must be conducted annually, and if underground piping that conveys petroleum under suction is used, the line tightness test must be conducted at least every three years. However, no release detection is required for suction piping designed and constructed to meet the following standards:

(1) the below-grade piping operates at less than atmospheric pressure and is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;

(2) only one check valve is included in each suction line;

(3) the check valve is located directly below and as close as practical to the suction pump; and

(4) a means is provided to readily determine that (1) – (3) of this subsection are satisfied.

(d) Notwithstanding the requirements of (c) of this section, any monitoring method set out in 18 AAC 78.065(f) - (j) may be used if that method is designed to detect a release from any part of the underground piping that routinely contains petroleum and that method is used monthly. (Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365 AS 46.03.375

18 AAC 78.075 is repealed:

18 AAC 78.075. Release detection monitoring requirements. Repealed ___/___/2003. (Eff. 3/25/91, Register 118; am 11/3/95, Register 136; repealed ___/___/2003, Register___)

Authority: AS 46.03.020 AS 46.03.365 AS 46.03.375

18 AAC 78.080 is amended by adding a new subsection to read:

(i) An owner or operator of a UST that is temporarily closed shall maintain financial responsibility as required in 18 AAC 78.910. (Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365 AS 46.03.375

AAC 78.085(g)(3) is amended to read:

(3) American Petroleum Institute **Standard 1631** [RECOMMENDED PRACTICE 1631], ***Interior Lining and Periodic Inspection of Underground Storage Tanks***

[*INTERIOR LINING OF UNDERGROUND STORAGE TANKS],* **Fifth Edition, June 2001**

[THIRD EDITION, 1992]; and

(Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am 1/22/99, Register 149; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365 AS 46.03.395

18 AAC 78.090(d)(4) is amended to read:

(4) if groundwater or the seasonal high water table is known or suspected to exist at a depth from the surface to within five feet below the bottom of the tank, **then** [OR IF GROUNDWATER IS KNOWN OR SUSPECTED TO BE CONTAMINATED,]

* * * * *

18 AAC 78.090(h) is amended to read:

(h) **The** [UNLESS OTHERWISE SPECIFIED IN THIS SECTION, THE] owner or operator shall use the analytical methods set out in Table 1**, Chapter 2 of** [IN] the *UST Procedures Manual* for site assessment analysis.

18 AAC 78.090(i) is repealed:

(i) Repealed ___/___/2003.

(Eff. 3/25/91, Register 118; am 8/21/91, Register 119; am 11/3/95, Register 136; am 1/22/99, Register 149; am 6/25/99, Register 150; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.380 AS 46.03.405
AS 46.03.365

18 AAC 78.100(b)(2)(G) is amended to read:

(G) an inspection as required by 18 AAC 78.017**.**[;]

18 AAC 78.100(f)(1) is amended to read:

(1) records that show compliance with all applicable requirements of this chapter, including

(A) documentation of operation of corrosion protection equipment as required by 18 AAC 78.045(f);

(B) documentation of UST upgrades under 18 AAC 78.030 and repairs under 18 AAC 78.055; [AND]

(C) proof of compliance with applicable release detection requirements of **18 AAC 78.060 – 18 AAC 78.070** [18 AAC 78.060 - 18 AAC 78.075]; and

(D) results of all operations inspection reports as required under 18 AAC 78.017, until the UST is permanently closed; and

(Eff. 3/25/91, Register 118; am 8/21/91, Register 119; am 11/3/95, Register 136; am 1/22/99, Register 149; am 6/25/99, Register 150; am 8/15/99, Register 151; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365 AS 46.03.380 AS 46.03.390 AS 46.03.395 AS 46.03.400 AS 46.03.405

Article 2. Corrective Action for Leaking Underground Storage Tanks.

Section

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273 Offsite or portable **soil** treatment facilities

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*** *[Publisher: all other section titles in the listing for Article 2 remain unchanged]*

The lead-in to 18 AAC 78.200(a)(3) is amended to read:

(3) release detection monitoring results under **18 AAC 78.060 – 18 AAC 78.070** [18 AAC 78.060 - 18 AAC 78.075] **indicate** [INDICATING] a release might have occurred**, including two consecutive months of invalid or inconclusive results**; a report to the department is not required under this paragraph if

* * * * *

(Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365

18 AAC 78.235(f) is repealed and readopted to read:

(f) In a release investigation, the owner or operator shall use the analytical methods set out in Table 1, Chapter 2 of the *UST Procedures Manual*.

(Eff. 11/3/95, Register 136; am 1/22/99, Register 149; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365

18 AAC 78.273(a) and (c) are repealed and readopted to read:

18 AAC 78.273. Offsite or portable soil treatment facilities. (a) An owner or operator of an offsite or portable soil treatment facility shall

(1) obtain approval of an operations plan before that person accepts or treats contaminated soil; the department will approve the plan if the department determines that the operations proposed are protective of human health and safety, and of the environment; a plan submitted under this paragraph must include

(A) a facility diagram that shows the location of

(i) each soil treatment, storage, and transportation area;

(ii) major roads within or bordering the site or facility; and

(iii) monitoring wells, surface water, water supply wells, facility boundaries, and public or private buildings within 500 feet of the facility boundary;

(B) a detailed process description including a discussion of

(i) air, water, and solid waste process streams;

(ii) startup and shutdown procedures;

(iii) maximum process flow rate;

(iv) air pollution control equipment;

(v) water treatment systems;

(vi) the projected maximum time necessary for the treatment method to fully remediate contaminated soil; and

(vii) a detailed description of any additive to be used;

(C) a post-treatment sampling and analysis plan prepared by a qualified person in accordance with 18 AAC 75.355(b) to verify that the applicable cleanup levels have been met;

(D) provisions for complete containment of the contaminated soil before, during, and after treatment until the contaminated soil meets the applicable cleanup levels; alternatively, if the treatment process, such as landfarming or landspreading, will not contain the contaminated soil, the owner or operator of the offsite or portable treatment facility must demonstrate that there will be no uncontrolled leachate from the treatment area;

(E) for an offsite treatment facility classified as a Category C or Category D facility, as described in the department's *Soil Treatment Facility Guidance,* dated November 7, 2002, engineering plans and engineering record drawings for contaminated soil and water containment structures; the *Soil Treatment Facility Guidance,* dated November 7, 2002, is adopted by reference; and

(F) site monitoring procedures that will measure for secondary contamination at the treatment facility;

(2) if the facility is a Category C or a Category D facility, as described in the *Soil Treatment Facility Guidance*, submit the following to the department before the owner or operator accepts or treats contaminated soil:

(A) proof of a performance bond or other approved means of fiscal responsibility that will provide the department with a source of funds to clean up contaminated soils that have been received for treatment if the facility operator fails to treat the contaminated soils in accordance with this chapter; a performance bond must be executed by an insurance company licensed in the state and include a bond amount that will cover cleanup of the contaminated soils at the treatment facility; the bond shall be based on

(i) the quantity of contaminated soil allowed at the facility specified in the facility's approved operation plan; and

(ii) the cost per ton for treating contaminated soil at that facility location; and

(B) proof of pollution liability insurance that will provide the department with a source of funds to clean up secondary contamination at the facility property that is caused by the soil treatment facility during soil treatment operations;

(3) perform confirmation sampling of treated soil in accordance with a sampling and analysis plan approved under this subsection to verify that applicable cleanup levels have been met;

(4) submit to the department an assessment of background contamination at the facility before initial startup of the treatment facility; and

(5) submit to the department within 90 days after terminating operation of the treatment facility, a closure assessment demonstrating that secondary contamination did not occur at the facility; if secondary contamination did occur at the facility, the owner or operator of the portable treatment facility shall perform a cleanup of the contamination by in-situ or ex-situ treatment within two years after terminating operation.

* * * * *

(c) For purposes of this section,

(1) "background contamination" means the concentration of a hazardous substance that is consistently present in the environment or in the vicinity of a site and that is naturally present or is the result of human activities unrelated to a discharge or release at the site;

(2) "engineering plans" means a set of plans approved and sealed by a registered engineer;

(3) "engineering record drawings" means the approved original plans prepared for construction and department approval under (a)(1) of this section, revised to reflect how the containment structure or system was constructed or installed, and sealed by a registered engineer;

(4) "facility" has the meaning given in AS 46.03.900; "facility" includes the land, structures, and equipment associated with treatment of contaminated soil;

(5) "offsite or portable treatment facility" has the meaning given in the *Soil Treatment Facility Guidance*, adopted by reference in (a)(1) of this section;

(6) "owner or operator" has the meaning given to "owner" and "operator" in AS 46.03.826;

(7) "performance bond" means a written agreement between the owner or operator and the department guaranteeing performance of the obligations covered by the agreement;

(8) "registered engineer" means a professional engineer registered to practice in the state under AS 08.48. (Eff. 1/22/99, Register 149; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.740 AS 46.04.070
AS 46.03.050 AS 46.03.745 AS 46.09.020
AS 46.03.365 AS 46.04.020

Editor's note: The department's *Soil Treatment Facility Guidance*, adopted by reference in 18 AAC 78.273(a)(1), may be viewed at or requested from the department's offices in Anchorage, Fairbanks, Juneau, and Soldotna.

18 AAC 78.440(c)(3) is amended to read:

(3) pass the examination required by 18 AAC 78.420, except as otherwise provided in (d) **and (e)** of this section; and

18 AAC 78.440(e) is repealed and readopted and new subsections are added to 18 AAC 78.440 to read:

(e) Notwithstanding the exam requirement of (c)(3) of this section, a person who has maintained certification in a specific category under 18 AAC 78.410 for at least six consecutive years is only required to pass the examination required by 18 AAC 78.420 for every third renewal of that category of certification thereafter, so long as that person performs at least two UST projects in the category during the calendar year before each renewal for which an examination is not required under this subsection.

(f) The division will renew a certification under this section effective as of

(1) January 1 of the first year of the new certification period, if the submittal required by (c) of this section is legibly postmarked or received by the division before that date; or

(2) the date the submittal is legibly postmarked or the date the division receives the submittal required by (c) of this section, whichever is earlier, if that date is after January 1 of the first year of the new certification period.

(g) The division will prorate the first license renewal fee following initial licensure in accordance with 12 AAC 02.020. (Eff. 3/25/91, Register 118; am 8/21/91, Register 119; am 8/4/94, Register 131; am 11/3/95, Register 136; am 12/21/95, Register 137; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365 AS 46.03.375

18 AAC 78.455(a)(1) is amended to read:

(1) for installation **or reconfiguration**, shall be at the job site when work requiring certification of installation **or reconfiguration** is being performed, including

* * * * *

(I) installation, replacement, or repair of release detection equipment; and

* * * * **[Publisher: rest of (a)(1) is unchanged]*

18 AAC 78.455(a)(5) is repealed and readopted to read:

(5) for inspection, shall

(A) refer to the department's operations inspection report form; and

(B) no later than 30 days after completing the inspection, sign and submit to the owner or operator a completed inspection report on a form supplied by the department; the report must contain a description of any

(i) deficiencies found;

(ii) corrective action taken by the inspector or a person certified under this chapter; and

(iii) recommendations of the inspector or a person certified under this chapter for further necessary corrections;

(Eff. 3/25/91, Register 118; am 8/4/94, Register 131; am 11/3/95, Register 136; am 1/22/99, Register 149; 8/15/99, Register 151; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365 AS 46.03.375

18 AAC 78.508 is amended by adding a new subsection to read:

(g) The owner or operator applying for financial assistance under this chapter shall notify the department of any changes to the owner's or operator's mailing address. The department will send documents to the last address provided by the owner or operator and will not search for the owner or operator. (Eff. 1/27/94, Register 129; am 6/23/94, Register 130; am 11/3/95, Register 136; am 1/22/99, Register 149; am 4/16/2000, Register 154; am ___/___/2003, Register ___)

Authority:	AS 46.03.020	AS 46.03.385	AS 46.03.422
	AS 46.03.360	AS 46.03.400	AS 46.03.430
	AS 46.03.365	AS 46.03.410	AS 46.03.450
	AS 46.03.380	AS 46.03.420	Sec. 16, ch. 70, SLA 1999

18 AAC 78.509(g) is repealed and readopted and a new subsection is added to 18 AAC 78.509 to read:

(g) If the owner or operator applying for financial assistance under this chapter fails to comply with the applicable requirements of this section for two consecutive years after the department has giving notification of eligibility and that financial assistance is available, the department will

(1) consider the owner or operator non-responsive;

(2) remove the owner or operator from the applicable eligibility list; and

(3) not consider the owner or operator for future financial assistance under this chapter.

(h) A loan application together with an approved workplan and associated materials will be examined under 18 AAC 78.523. (Eff. 1/27/94, Register 129; am 6/23/94, Register 130; am 4/16/2000, Register 154; am ___/___/2003, Register ___)

Authority:	AS 46.03.020	AS 46.03.410	AS 46.03.430
	AS 46.03.360	AS 46.03.420	**Sec. 16, ch. 70, SLA 1999**

AS 46.03.365 AS 46.03.422 [Sec. 16, ch. 70, SLA 1990]

18 AAC 78.534 is repealed and readopted to read:

18 AAC 78.534. Project priority ranking procedure. (a) The department will prioritize requests for projects eligible for financial assistance under this chapter on a fiscal year basis using a point system established by the board with the highest priority given to previously funded continuing cleanup projects authorized under AS 46.03.420.

(b) The department will prioritize requests for projects eligible for financial assistance under AS 46.03.420 or sec. 3, ch. 107, SLA 1994 according to a system that bases project scores on

(1) the threat to human health or safety or to the environment as determined by information submitted in the hazard ranking evaluation form described in 18 AAC 78.235(a)(4), with the greater emphasis given to threats to human health or safety;

(2) the distance to and the accessibility of an alternative retail fuel source;

(3) measures taken by the owner or operator under an approved corrective action plan that are designed to prevent the further spread of contamination;

(4) the date the completed application was received by the department;

(5) whether the project is a continuing project previously funded under AS 46.03.420; and

(6) other criteria determined appropriate by the board during dispute resolution under 18 AAC 78.950.

(c) The department will prioritize requests for projects eligible for financial assistance under AS 46.03.422 based on the date the completed application was received by the department.

(d) If the requests for projects eligible for financial assistance under AS 46.03.422 exceed the funds allocated by the board under 18 AAC 78.535, the department will prioritize requests according to a system that bases project scores on

(1) the threat to human health or safety or to the environment as determined by information initially submitted under AS 46.03.420 in the hazard ranking evaluation form described in 18 AAC 78.235(a)(4), with the greater emphasis given to threats to human health or safety;

(2) the date the completed application was received by the department; and

(3) other criteria determined appropriate by the board during dispute resolution under 18 AAC 78.950.

(e) The department will prioritize requests for projects eligible for an upgrading grant under AS 46.03.430 according to a system that bases project scores on

(1) whether secondary containment with interstitial monitoring is proposed; "secondary containment" includes a pit liner if that liner is covered to exclude surface water entry;

(2) whether a potential threat to human health or safety or to the environment would be mitigated by upgrading the existing UST as determined by the distance to the nearest drinking water well;

(3) whether the proposed upgrade incorporates a special or unique design feature that exceeds normal standards or codes of practice to compensate for climatic influences;

(4) whether the existing UST has been or will be replaced instead of upgraded;

(5) whether the applicant has already initiated or completed upgrading activities at the facility;

(6) the distance to and the accessibility of an alternative retail fuel source;

(7) the date the completed application was received by the department; and

(8) other criteria determined appropriate by the board during dispute resolution under 18 AAC 78.950.

(f) The department will prioritize requests for projects eligible for a closure grant under AS 46.03.430 according to a system that bases project scores on

(1) whether the UST is to be removed from the ground instead of closed in place;

(2) whether a potential threat to human health or safety or to the environment would be mitigated by closing the existing UST as determined by the distance to the nearest drinking water well;

(3) the age of the UST to be closed;

(4) whether the applicant has already initiated or completed closure activities at the facility;

(5) the accessibility of the UST;

(6) the date the completed application was received by the department; and

(7) other criteria determined appropriate by the board during dispute resolution under 18 AAC 78.950.

(g) Except as provided in (c) of this section, the board will publish notice of, and receive public comment for 30 days on, the priority lists developed under (b), (d), (e), and (f) of this section. The department will revise the lists, if necessary, to reflect pertinent public testimony. Applicants will be notified of eligibility for financial assistance within 30 days after the close of the public comment period.

(h) The department will notify eligible applicants of available financial assistance within 30 days after the annual allocation by the board under 18 AAC 78.535. (Eff. 1/27/94, Register

129; am 6/23/94, Register 130; am 11/3/95, Register 136; am 1/22/99, Register 149; am 4/16/2000, Register 154; am ___/___/2003, Register ___)

Authority:	AS 46.03.020	AS 46.03.410	AS 46.03.430
	AS 46.03.360	AS 46.03.420	Sec. 3, ch. 107, SLA 1994
	AS 46.03.365	AS 46.03.422	Sec. 16, ch. 70, SLA 1999

Editor's note: The substance of this section was formerly designated as 18 AAC 78.540.

18 AAC 78.535(a) is amended to read:

18 AAC 78.535. Program funding allocation. (a) The board will annually allocate money appropriated to the storage tank assistance fund under AS 46.03.410 to the following [THREE] programs **or projects**:

(1) the tank cleanup program authorized by AS 46.03.420;

(2) **previously funded continuing cleanup projects authorized under AS 46.03.420;**

(3) the tank cleanup loan program authorized by AS 46.03.422;

(4) previously funded continuing cleanup loan projects authorized under AS 46.03.422;

(5) [(3)] the tank upgrading and closure program authorized by AS 46.03.430.

(Eff. 3/25/91, Register 118; am 1/27/94, Register 129; am 6/23/94, Register 130; am 4/16/2000, Register 154; am ___/___/2003, Register ___)

Authority:	AS 44.03.020	AS 46.03.410	Sec. 7, ch. 96, SLA 1990
	AS 46.03.360	AS 46.03.420	Sec. 16, ch. 70, SLA 1999
	AS 46.03.365	AS 46.03.430	

18 AAC 78.600(d) and (e) are amended to read:

(d) If using method two or method three for determining the applicable soil cleanup levels as described in 18 AAC 75.340 and 18 AAC 75.341, or if applying the groundwater cleanup levels at Table C in 18 AAC 75.345, the owner or operator shall ensure that, after completing site corrective action activities, the risk from contaminants does not exceed a cumulative carcinogenic risk standard of 1 in 100,000 across all exposure pathways and a cumulative noncarcinogenic risk standard at a hazard index of 1.0 across all exposure pathways. Guidance on cumulative risk determinations is provided in [APPENDIX D OF] the department's ***Cumulative Risk Guidance*** [*GUIDANCE ON CLEANUP LEVELS EQUATIONS AND INPUT PARAMETERS*], dated **November 7, 2002** [JULY 28, 1999]. The department's ***Cumulative Risk Guidance*** [*GUIDANCE ON CLEANUP LEVELS EQUATIONS AND INPUT PARAMETERS*], dated **November 7, 2002** [JULY 28, 1999], is adopted by reference.

(e) If proposing an alternative cleanup level for soil or groundwater, based on a site-specific risk assessment under method four in 18 AAC 75.340(f) or under the provisions of 18 AAC 75.345(b)(3), the owner or operator shall ensure that the risk from contaminants does not exceed a cumulative carcinogenic risk standard of 1 in 100,000 across all exposure pathways and a cumulative noncarcinogenic risk standard at a hazard index of 1.0 for each exposure pathway. Guidance on cumulative risk determinations is provided in [APPENDIX D OF] the department's ***Cumulative Risk Guidance*** [*GUIDANCE ON CLEANUP LEVELS EQUATIONS AND INPUT PARAMETERS*], adopted by reference in (d) of this section. Instead of the risk standard required by this subsection, the department **may** [WILL, IN ITS DISCRETION,] consider a risk standard consistent with the range acceptable under 40 C.F.R. 300.430, revised as of **July 1, 2002** [JULY 1, 1996], adopted by reference, based on

* * * * **[Publisher: rest of (e) is unchanged]*

(Eff. 1/22/99, Register 149; am 8/27/2000, Register 155; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.740 AS 46.04.020
AS 46.03.050 AS 46.03.745 AS 46.04.070
AS 46.03.365 AS 46.03.822 AS 46.09.020
AS 46.03.710

Editor's note: The department's ***Cumulative Risk Guidance*** [*Guidance on Cleanup Levels Equations and Input Parameters*], adopted by reference in 18 AAC 78.600(d), may be viewed at or requested from the department's offices in Anchorage, Fairbanks, Juneau, and Soldotna.

The lead-in to 18 AAC 78.950(a) is amended to read:

18 AAC 78.950. Dispute resolution. (a) If the owner or operator of a UST disagrees with a decision under AS 46.03.410 - 46.03.430 or **18 AAC 78.500 – 18 AAC 78.560** [18 AAC 78.500 - 18 AAC 78.555], the owner or operator may request the board to review the decision. The request for review must be made in writing to the chairperson of the board as a notice of intent to appeal, and must include

* * * * *

The lead-in to 18 AAC 78.950(c) is amended to read:

(c) A hearing under this section will be scheduled within **60** [30] days following receipt of the notice of intent to appeal or at the next scheduled board meeting, whichever is earlier. **If all parties agree, a hearing may be scheduled more than 60 days after receipt of the notice of intent to appeal.** Immediately after scheduling a hearing for review under this section, the board chairperson **or the chairperson's designee** shall send a notice

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(Eff. 3/25/91, Register 118; am 11/3/95, Register 136; am 4/16/2000, Register 154; am ___/___/2003, Register ___)

Authority: AS 46.03.020 AS 46.03.365 AS 46.03.422

AS 46.03.360 AS 46.03.420 Sec. 16, ch. 70, SLA 1999

18 AAC 78.995(122) is amended to read:

(122) "reconfiguration" means the replacement or realignment of the pipes connected to a UST, or the retrofitting of a UST or any part of a UST by adding cathodic protection, lining, **release detection equipment,** or spill or overfill controls [THAT WERE NOT USED AT THE TIME OF ORIGINAL INSTALLATION AND] that are designed to improve the ability of the UST to prevent a release;

(Eff. 3/25/91, Register 118; am 8/21/91, Register 119; am 1/27/94, Register 129; am 6/23/94, Register 130; am 8/4/94, Register 131; am 11/3/95, Register 136; am 1/22/99, Register 149; am 4/16/2000, Register 154; am ___/___/2003, Register ___)

Authority:	AS 44.46.020	AS 46.03.360	AS 46.03.430-
	AS 44.46.025	AS 46.03.365	AS 46.03.740
	AS 46.03.020	AS 46.03.375	AS 46.03.758
	AS 46.03.050	AS 46.03.420	Sec. 7, ch. 96, SLA 1990
	AS 46.03.070	AS 46.03.422	